THE HON'BLE SRI JUSTICE BILAL NAZKI

W.P.M.P.No.8118 of 1998
and
WRIT PETITION No.32725 of 1997

DATED:05.07.2006

Between:

M.GovilNdurajulu Gowd

..Petitioner

And

1. The Deputy Commissioner of Prohibition & Excise, Kurnool, Kurnool District. and another.

..Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

W.P.M.P.No.8118 of 1998
and
WRIT PETITION No.32725 of 1997

COMMON ORDER:

The writ petition was filed in the year 1997 mainly for getting the custody of the vehicle, which was not released to the petitioner by the authorities below during the enquiry. The allegations against the petitioner were that his vehicle was being used for transport of illicit liquor.

This Court while entertaining the petition granted custody of the vehicle to the petitioner on conditions. It is submitted that the vehicle was handed over to him, but in the meantime, the respondents had passed an order of confiscation on 11.08.1997, prior to the interim order passed by this Court.

The case of the petitioner is that this order was communicated to him at a later point of time, and therefore, he filed an amendment application to include the challenge to the order of confiscation in the writ petition.

I do not find any ground to entertain this amendment application, as a notice had been given to the petitioner as early as on 27.09.1997. In this notice, he was asked to file his explanation within 17 days, failing which, necessary orders in accordance with law will be passed. When he approached this Court by filing the writ petition, he was well aware that a notice to show cause as to why the vehicle in question should not be confiscated, had been given on 27.09.1997. But he did not challenge the said notice nor gave any reply to the authority concerned. Therefore, the authority concerned passed an order of confiscation on 18.12.1997. This order even otherwise is an appealable order. Without seeking the remedy by way of an appeal, he approached this Court seeking an amendment of the writ petition by way of this affidavit, which was also filed in 1998.

For the above reasons, the application seeking amendment is dismissed.

No further orders are necessary to be passed in the writ petition because that was only for the interim custody of the vehicle and now

the final order of confiscation was passed by the authorities concerned, and hence, this writ petition has become infructuous. The petitioner is at liberty to avail any alternate remedy that may be available to him in law, if he feels aggrieved by the order of confiscation.

The writ petition is accordingly dismissed as infructuous. No costs.

_____

(BILAL NAZKI, J)

5th July 2006.
GJ